

FARMINGTON CITY COUNCIL MEETING

April 15, 2008

CITY COUNCIL WORK SESSION/EAST CONFERENCE ROOM

PRESENT: Mayor Scott Harbertson, Council Members Richard Dutson, David Hale, Paula A. Alder, Sidney C. Young, Cory Ritz, City Manager Max Forbush, City Planner David Petersen, Assistant City Planner Glenn Symes, City Storm Water Official Ken Klinker, Todd Godfrey, Attorney for CenterCal, City Attorney, Kathy Isatt, attorney for Ron Martinez, and Steve Petersen and Gordon Crabtree of Farmington Ranches Homeowners Association.

Mayor Harbertson began discussion at 5:00 p.m. The following items were reviewed:

Rich Haws Development Issues

Todd Godfrey reported on negotiations with Rich Haws and his group regarding development of his land located to the north of Station Park. He said the City still doesn't have a fully formed project master plan. Todd has been advised they are working on it, but does not believe they will be able to make the May 6 date to be on the City Council agenda. There are a number of policy issues that deal with the "road to the north" which are important to Rich Haws' development that need to be settled. The City has a proposed agreement with CenterCal to contribute funds toward construction of the road, but the City will need significant other funds to pay for completion of the "road to the north".

Max Forbush reminded the Council they need to be careful as to what is committed as part of the road expense, i.e., landscaping, utilities, lighting, etc.

Mayor Harbertson said all property owners have to sign the Development Agreement and Mr. Haws does not have approval from the Cook family (10 acres) right where the road should cross their property. It was also reported that Mr. Haws is opposed to submitting an application for rezone which is a prerequisite for consideration of a Development Agreement. The City does not have any documentation from UDOT stating Mr. Haws has been granted a right of ingress and egress at the intersection of Park Lane and Farmington Station Road.

Consideration of amending Station Park Development Agreement

Todd Godfrey reviewed elements of CenterCal's Purchase and Sale Agreement pointing out one thing in the agreement refers to a temporary easement agreement. There is an insurance provision for \$5 million. The City Attorneys and URMMA believe that requirement is too high for the City. They believe the figure ought to be more like \$1 million.

Mr. Forbush said CenterCal is going to buy part of Clark Lane where we now turn into to go to the Shop. Once they own it, the City needs an easement to be able to get into the Shop until UDOT finishes the Legacy Project and then we will be able to use 650 West.

Mr. Godfrey said in the Development Agreement CenterCal is obligated to do whatever UDOT requires on that Park Lane section to make it work. UDOT will only contract with the City regarding that work. When the City signs the Betterment Agreement, UDOT is demanding the \$336,000 be paid before the work is done which is causing CenterCal concern because they don't want to pay before the work is done. The City has contacted UDOT to see if something can't be done. Clarification needs to be made also if the \$336,000 is the total, final amount.

The Reimbursement Agreement is between the City and CenterCal. It's a companion agreement to the Betterment Agreement.

The attorney for CenterCal reported that UDOT is holding up issuance of the full permit based on having these agreements in place. So there is a timing issue and CenterCal would like to get it done as soon as possible.

Mr. Godfrey told the Council he believes a provision should be included in the Development Agreement stating that if fast tracking is going to be done on design and permitting, CenterCal should pay for it.

Rick Dutson suggested that a provision should also be included that the City will not be responsible for changes that happen as the drawings evolve.

Mr. Forbush said there is an issue of impact fees. Mr. Godfrey said he would check it out.

Farmington Ranches Subdivision Agenda Items

Changes to the agreement were reviewed. The restrictions are specified in the agreement and the City intends to comply with the restrictions, but if for any reason the City did not comply the HOA would have every right to sue for breach of contract. This contract binds future City Councils and cannot be changed without mutual agreement between the parties. The amended plat comprised of 8.289 acres is a combination of land from three different plats. Staff is suggesting that the value of the park land which is encumbered with conservation easements, ought to be set at \$30,000 per acre so the overall price will be \$248,000. The title insurance on that will be around \$1,000.

Mr. Forbush stated that because federal money is going to be used in the grant if the land ever reverted back to the HOA, the City would have to reappraise the land and buy more park land for the amount of the reappraisal even though the amount of the federal money going into it is only \$150,000 of a total park budget of \$650,000.

Consideration of Amendment to Conservation Easements for Phases 1, 2, and 3 of Farmington Ranches Subdivisions and the Farmington Ranches East Subdivision

Mayor Harbertson discussed the three different documents which amend the Conservation Easements for Farmington Ranches Phases 1 & 2, Farmington Ranches East and Phase 3. Gordon Crabtree, President of the Farmington Ranches Homeowners Association, had reviewed the documents and had made comments or suggested changes to the draft documents. The Mayor said there is a maintenance plan that goes along with each amended conservation easement. Mr. Crabtree was concerned about how frequent the requirement would be for the HOA to clean the open space areas. The documents don't specify, possibly twice a year will be enough.

Max Forbush passed out a sample motion and findings regarding Phase 3 which deals with the park property. Different aspects of the notes to the document were discussed. None of the open space area can be legally deeded to abutting property owners, because it would create an accrued benefit to them. Some of the open space area has been landscaped and the abutting property owners are maintaining it. Parcel "F" has a subsurface drainage line owned by the U.S. Bureau of Reclamation. The Bureau of Reclamation wants the City to take over and maintain it. This is both problematic and is not beneficial. The City has never maintained subsurface lines, but there are some benefits if the City owns it.

The remaining agenda items as listed on the agenda were briefly discussed.

REGULAR SESSION/ CITY COUNCIL CHAMBERS

PRESENT: Mayor Scott Harbertson, Council Members Richard Dutson, David Hale, Paula A. Alder, Sidney C. Young, Cory Ritz, City Manager Max Forbush, City Planner David Petersen, Assistant City Planner Glenn Symes, City Storm Water Official Ken Klinker, City Attorney Lisa Romney, Margy Lomax, City Recorder, and Holly Gadd, Deputy Recorder.

Roll Call (Opening Comments/Invocation) Pledge of Allegiance

Mayor Harbertson opened the meeting at 7:00 p.m.

City Council Member Cory Ritz offered an invocation to the meeting and the Pledge of Allegiance was led by Spencer Hafen of Farmington City Boy Scout Troop #1091.

Approval of Minutes of Previous Meetings

A motion to approve the minutes of the April 1, 2008, City Council meeting, as amended, was made by **Rick Dutson** and seconded by **Paula Alder**. The motion passed with all Council Members voting in the affirmative.

Consideration of Ordinance amending City's General Plan to establish a neighborhood park in vicinity of the Farmington Ranches Subdivision

In order to help the audience better understand where the neighborhood park issue started, where negotiations have been, and where they are at the present, Mayor Harbertson gave a summary and background on the efforts that have been on-going over the last four years between the City and the Farmington Ranches Homeowners Association regarding the establishment of a neighborhood park in the Farmington Ranches Subdivision. He stated there is a need for a park out there. The Homeowners Association has been interested in having a passive, neighborhood park due to the limited acreage and homes surrounding the site.

He explained the 10-12 acres of land available for the park has a lot of restrictions and easements on it. There are a number of steps that must be accomplished to allow for the establishment of a park in this area. The Conservation Easements, which are recorded on the properties, do not allow for a park and will need to be amended to allow a park to be constructed. Also, it will be necessary for the Homeowners Association to deed the land to the City. For the past couple of years, the City has agreed to provide funds to build the park, and had asked the Homeowners Association to also contribute money towards the project. Different ways have been discussed to try to come up with the funds.

This proposed park initially was not a planned park on the City's Capital Facilities Plan and the City has only a limited amount of funds to contribute to it. The City has been awarded a grant to be used for park construction in the amount of \$150,000, but it must have ownership of the land by May 1, 2008. It has been decided that one way for the City to be able to finance the park is to scale back the size of it to 8 acres and then to prioritize how the money is spent. The City will not be responsible for the Shepard Creek drainage. The park area has been moved back to the west and north of the Shepard Creek drainage area.

Mayor Harbertson stated that at the end of last year the City's Parks & Recreation Department decided to start a soccer program and, therefore, is in need of playing fields. It has been agreed between the Homeowners Association and the City that the City will grade for a 60' x 75' soccer field but that no City-sponsored soccer will be allowed to play there unless by mutual agreement of both the City and the Homeowners Association. This agreement is binding on future City Councils and the only way it can be changed is by mutual agreement between the two parties. Following this review, Mayor Harbertson reported that the first step in the process that will be considered is a proposed amendment to the City's General Plan to include a park in the Farmington Ranches neighborhood.

Motion

A motion to amend the City's General Plan to establish a park in the vicinity of the Farmington Ranches Subdivision was made by **Rick Dutson** and seconded by **David Hale**. The motion passed with all Council Members voting in favor.

Consideration of Neighborhood Park Agreement between Farmington Ranches Homeowners Association and Farmington City/Consideration of Acceptance of draft Warranty Deeds regarding park property

Lisa Romney, City Attorney, had drafted an agreement which had been reviewed by the Homeowners Association, and they had made a few changes. The City Attorney suggested removal of paragraph #7 regarding water rights. The City has water rights and will be able to water the 8-acre park. She stated that if there is any breach of the contract by either party, the other party could sue for breach of contract. The HOA had recommended a "reversion clause" as an enforcement tool to mandate no organized sports event at the park.

The City Manager reported the park property has to be deeded to the City, and should it ever revert back to the Homeowners Association, the City would have to replace park land at the rate or the value of the land at that time in which the reconveyance occurred which could be a very significant amount. This requirement is in accordance with Federal and State grant regulations. For this reason, the City objects to the proposed language suggested by the HOA.

The Homeowners Association will be responsible to pay for the Title Insurance which will probably amount to approximately \$1,000.

Motion

David Hale moved to approve the Neighborhood Park Agreement between Farmington Ranches Homeowners Association and Farmington City dated April 10, 2008, with the elimination of item #7 has had been discussed and the elimination of the HOA recommended "reversion clause" and for staff to make a clean version of the final document and to double check the legal descriptions to ensure the correct one is included and authorizing the Mayor to sign the same. The agreement provides for the land to be conveyed to the City from the HOA without financial remuneration. The motion was seconded by **Rick Dutson** and passed with all Council Members voting in the affirmative.

Motion

It was moved by **Rick Dutson** authorizing staff to receive the warranty deeds regarding the park property for and in behalf of the City and have them recorded. The motion was seconded by **Cory Ritz**. The motion passed with all Council Members voting in the affirmative.

Consideration of Amendment #3 to the Farmington Ranches Development Agreement between City, HOA, and The Boyer Company, including revised Project Master Plan and Project Development Guidelines

Mayor Harbertson opened this agenda item stating The Boyer Company was sent a letter to have their agreement also tied in with this. The City has received verbal confirmation of that but not a written one. Therefore, the motion should authorize the Mayor to sign the agreement with any possible minor adjustments that may come up with The Boyer Company once they submit them in writing and upon having HOA and City approval.

Motion

Sid Young moved to adopt Amendment No. #3 to the Farmington Ranches Development Agreement as proposed and recommended by Staff. This motion is based on the following findings:

1. The proposed amendments to the Development Agreement for the Farmington Ranches Project will allow for the possible dedication and development of a public park in the Farmington Ranches Subdivision.
2. The possible dedication and development of a public park in the Farmington Ranches Subdivision, and the amendments to the Development Agreement providing for the same, are in the best interest of the public and will provide additional open space and recreational areas and facilities for the residents and citizens of Farmington.
3. The proposed amendments to the Development Agreement are consistent with the overall intent and design of the Project and will provide for additional amenities and recreational opportunities for the residents of the Farmington Ranches.

This motion authorizes the Mayor to sign the agreement with the understanding there is the potential for minor adjustments from The Boyer Company and as agreed to by the City and the HOA. The motion was seconded by **Cory Ritz**. The motion passed with all Council Members voting affirmatively.

PUBLIC HEARING: Consideration of Amendment to Conservation Easements for Phases 1, 2, and 3 of Farmington Ranches Subdivisions and the Farmington Ranches East Subdivision

Mayor Harbertson explained that the amendments to the Conservation Easements have been very difficult to go through with staff and the HOA Board. He expressed appreciation for all the work that has been done. He stated the amendments in Phases 1 and 2 basically have to do with landscaping issues. Some of the open space that was to remain natural may have been encroached

on by being maintained by the property owner. A lot of these issues deal with landscaping that has already been done in those areas.

The amendments for Phase 3, not only deal with the landscaping issues, but also include the addition of the park and what is applicable to the park.

Lisa Romney, City Attorney, addressed the Council regarding the proposal to add to the Phase 2 Use Map Parcels "G" and "H" to allow a strip of landscaping next to the canal. She felt that was fine as long as language is added talking about the appropriate barrier and buffer so it is known where the private property ends and the public property begins. That language is already in Note 1 which has been used for landscaping next to residential property. An appropriate buffer should be provided between the natural area and lawn area. The recommended barrier is a 6" x 6" concrete barrier.

Mayor Harbertson stated that a lot of time has been spent to designate where the landscaping areas are and where they can be and where the violations are and what needs to happen. This one area, up against the canal that crosses over Ranch Road, was one area the City felt should be corrected. The property owners there who have already landscaped it will not have to tear everything out in the process of with the passing of the amendments. The City has tried to make it work so that the landscaping that has gone up to the canal can be used as a buffer there.

Mayor Harbertson then opened the meeting up to a public hearing.

Rochelle Spurlin, 397 North Frontier, Farmington, questioned if there is a difference between "conservation easement" and "protective wetland". The City Planner responded they can be one and the same. A conservation easement can be recorded on top of a protective wetland and are not in conflict. She stated her property has a swampy, wetland area, behind it, and she was under the impression no one could ever build on it.

The City is not changing any of the wetlands dealing with their intent or purposes. Any change to them would have to go through the Army Corps of Engineers.

With no one else wishing to address the Council on this issue, Mayor Harbertson closed the public hearing.

Lisa Romney recommended to the Council that on the "G" and "H" alternative that the new landscaped area be identified as "Note 7" rather than "Note 1", because in Farmington Ranches 1 and 2 there really is no landscaped area immediately adjacent to a natural area so the new note will identify this type of distinction that will require: (1) the same type of boundary line designation and (2) a barrier acceptable to the City between the natural vegetation and the manicured lawn area. She suggested in the motion it should be designated as a "Note 7" and that staff should be directed to amend the Use Map notes accordingly – Note 7 on Alternative #1. The exact same language for

Note 1 will be used except adding the wording:

"#2. A barrier acceptable to the City is provided between the natural vegetation and the manicured lawn area."

Mayor Harbertson told the audience that wherever there is a conservation easement recorded on a particular piece of property, it cannot accrue a direct benefit to the adjacent landowner. If a homeowner has a big open space behind their home, they cannot go ahead and landscape it or put whatever they want there to extend their property. They cannot fence it off or ask to have it deeded to them. That is in violation of the Conservation Easement.

He reported some of the minor violations to the Conservation Easement in the Farmington Ranches Subdivision have been "cleaned up" through all of the exhibits to the agreement. He said in the near- and long-term future all existing and future violations will be strictly enforced. If there are rock structures, fences, trampolines, or personal equipment, sheds, etc., in the open space areas, they are in violation and will have to be cleaned up. They are not allowed.

The public hearing was then closed.

Motion

Cory Ritz moved that the City Council adopt "Amendment No. 1 to the Conservation Easement for Farmington Ranches Phases 1 & 2" as proposed and recommended by Staff. This motion is based on the findings 1 through 7 with the addition of number 8.

1. The City Council has held the required public hearing, with 14 day advance notice of the same, in accordance with the Farmington City Conservation Easement Amendment Policy to obtain public comment regarding the proposed amendments to the Conservation Easement.

2. The City Council has reviewed the proposed amendments and the qualification and criteria for review and approval of any such amendments in accordance with the City's Conservation Easement Amendment Policy.

3. The City Council finds that the proposed amendments represent minor or incidental changes which are not inconsistent with the conservation values or purposes delineated in the Conservation Easement and/or provide clarification to aid in the interpretation of the Conservation Easement.

4. The City Council finds all of the mandatory criteria under the City's Conservation Easement Amendment Policy for amendments to the Conservation Easement are met, including, but not limited to, the following:

- a. The amendments are consistent with the overall purposes of the conservation easement and will not be detrimental to or compromise the protection of the stated conservation values of the property.
 - b. The amendments are substantially equivalent to or enhance the conservation values of the property.
 - c. The amendments are consistent with the City's goals for conservation of land under applicable City Ordinances and will not undermine the City's obligation to preserve and enforce conservation easements it has accepted.
 - d. The amendments are the minimum change necessary to achieve the desired and acceptable purpose.
 - e. The amendments are clearly warranted and in the best interest of public and subject property.
 - f. Granting of the amendments will not set an unfavorable precedent for future amendment requests.
 - g. The amendments do not adversely affect the City's qualification as holder of conservation easements.
 - h. The amendments do not provide a private benefit to the landowner or any private party.
5. The Conservation Land will remain preserved for open space and recreational uses and facilities consistent with the stated Conservation Values and existing permitted and conditional uses under existing terms of the Conservation Easement.
 6. The Conservation Easement already provides for anticipated non-motorized recreational uses such as trails, bikeways, playing fields and playgrounds, in designated areas.
 7. The Conservation Easement already provides for community open space uses such as village greens, commons, picnic areas, and similar low-impact passive community uses, in designated areas.
 8. An additional note on Exhibit 2 be created defining and inserting a Note 7 as it pertains to the Use Map, Phase 2, Parcels G & H, Alternative 1.

The motion was seconded by Paula Alder and was approved with all Council Members voting in favor.

Motion

A motion was made by **Sid Young** for the City Council to adopt Amendment No. 1 to the Conservation Easement for Farmington Ranches East as proposed and recommended by Staff. This motion is based on the following findings:

1. The City Council has held the required public hearing, with 14 day advance notice of the same, in accordance with the Farmington City Conservation Easement Amendment Policy to obtain public comment regarding the proposed amendments to the Conservation Easement.

2. The City Council has reviewed the proposed amendments and the qualification and criteria for review and approval of any such amendments in accordance with the City's Conservation Easement Amendment Policy.

3. The City Council finds that the proposed amendments represent minor or incidental changes which are not inconsistent with the conservation values or purposes delineated in the Conservation Easement and/or provide clarification to aid in the interpretation of the Conservation Easement.

4. The City Council finds all of the mandatory criteria under the City's Conservation Easement Amendment Policy for amendments to the Conservation Easement are met, including, but not limited to, the following:

a. The amendments are consistent with the overall purposes of the conservation easement and will not be detrimental to or compromise the protection of the stated conservation values of the property.

b. The amendments are substantially equivalent to or enhance the conservation values of the property.

c. The amendments are consistent with the City's goals for conservation of land under applicable City Ordinances and will not undermine the City's obligation to preserve and enforce conservation easements it has accepted.

d. The amendments are the minimum change necessary to achieve the desired and acceptable purpose.

e. The amendments are clearly warranted and in the best interest of public and subject property.

f. Granting of the amendments will not set an unfavorable precedent for future amendment requests.

g. The amendments do not adversely affect the City's qualification as holder of conservation easements.

h. The amendments do not provide a private benefit to the landowner or any private party.

5. The Conservation Land will remain preserved for open space and recreational uses and facilities consistent with the stated Conservation Values and existing permitted and conditional uses under existing terms of the Conservation Easement.

6. The Conservation Easement already provides for anticipated non-motorized recreational uses such as trails, bikeways, playing fields and playgrounds, in designated areas.

7. The Conservation Easement already provides for community open space uses such as village greens, commons, picnic areas, and similar low-impact passive community uses, in designated areas.

This motion was seconded by **Paula Alder**. The motion was approved with all Council Members voting in favor.

Before proceeding on the next motion, Mayor Harbertson stated the amendment to the Conservation Easement had been discussed in the work session with Gordon Crabtree. There was a question as to whether some of the property was actually owned by the HOA. It was determined that it was.

There were other issues on some of the exhibits where the landscaping had been approved and already done. It is not possible for the property to be deeded to the property owners, because it is a direct benefit to the landowner, and they can't own open space.

There are a couple of issues regarding the amendment that will need to be addressed in the future between the HOA, the landowners, and the City on how some of the areas will be handled. One of the areas is on Parcel F on Farm Road which has a Bureau of Reclamation easement on it and another on Parcel G coming out of Country Bend Circle which has a sidewalk over a delineated wetland area to allow people to walk directly to the School. The City has not received anything in writing from the Army Corps of Engineers to approve that. Although the HOA claims to have received verbal approval from the Corps with the assistance of Theodore Thatcher, a local wetland consultant.

Motion

Paula Alder moved that the City Council adopt Amendment No. 2 to the Conservation Easement for Farmington Ranches Phase 3 as proposed and recommended by Staff. This motion is based on the findings 1 through 8 as follows:

1. The City Council has held the required public hearing, with 14 day advance notice of the same, in accordance with the Farmington City Conservation Easement Amendment Policy to obtain public comment regarding the proposed amendments to the Conservation Easement.

2. The City Council has reviewed the proposed amendments and the qualification and criteria for review and approval of any such amendments in accordance with the City's Conservation Easement Amendment Policy.

3. The City Council finds that the proposed amendments represent minor or incidental changes which are not inconsistent with the conservation values or purposes delineated in the Conservation Easement and/or provide clarification to aid in the interpretation of the Conservation Easement.

4. The City Council finds all of the mandatory criteria under the City's Conservation Easement Amendment Policy for amendments to the Conservation Easement are met, including, but not limited to, the following:

a. The amendments are consistent with the overall purposes of the conservation easement and will not be detrimental to or compromise the protection of the stated conservation values of the property.

b. The amendments are substantially equivalent to or enhance the conservation values of the property.

c. The amendments are consistent with the City's goals for conservation of land under applicable City Ordinances and will not undermine the City's obligation to preserve and enforce conservation easements it has accepted.

d. The amendments are the minimum change necessary to achieve the desired and acceptable purpose.

e. The amendments are clearly warranted and in the best interest of public and subject property.

f. Granting of the amendments will not set an unfavorable precedent for future amendment requests.

g. The amendments do not adversely affect the City's qualification as holder of conservation easements.

h. The amendments do not provide a private benefit to the landowner or any private party.

5. The Conservation Land will remain preserved for open space and recreational uses and facilities consistent with the stated Conservation Values and existing permitted and conditional uses under existing terms of the Conservation Easement.

6. The Conservation Easement already provides for anticipated non-motorized recreational uses such as trails, bikeways, playing fields and playgrounds, in designated areas.

7. The Conservation Easement already provides for community open space uses such as village greens, commons, picnic areas, and similar low-impact passive community uses, in designated areas.

8. The amendments to the Conservation Easement providing for public park facilities in designated areas are consistent with the overall purposes of the Conservation Easement and existing permitted and conditional uses set forth there.

Rick Dutson seconded the motion and was approved unanimously with all Council Members voting in favor.

PUBLIC HEARING: Consideration of Plat Amendments subdividing Parcel “G” of Phase 3 and Parcel 4A of Phase 4 and Consideration of an Ordinance and Vacation Order allowing for the recordation of amended plats in the Farmington Ranches Subdivisions

Mayor Harbertson opened the meeting to a public hearing at 7:55 p.m. He stated the City had received letters from residents who were concerned about this issue. Rick Johanson, Chad Benson, Tanya Homer, and Brad Martin had all sent letters of objection. Mr. Martin had withdrawn his objection prior to the meeting after receiving clarification from Dave Petersen that the parcels could never be used as residential building lots.

David Petersen stated the plat amendment to Phase 3 divides Parcel G into three parcels. The area will be vacated and a plat recorded over this area. These parcels are not residential building lots, they are open space parcels. Whether or not these parcels become part of a park, they can never be sold as residential building lots.

The purpose of these plat amendments, if everything goes how the HOA Board and the City Council have planned, is for the HOA to convey all of 5A, all of Parcel G2, and all of Parcel 4A1 to the City. These three parcels combine to a total acreage of approximately 8.2 acres to be conveyed to the City for a park.

The Planning Commission has recommended approval of this, and they established five findings. Additional findings 6 through 9 were passed out in the work session.

Mayor Harbertson opened the meeting to a public hearing at 8:03 p.m.

Elizabeth Richards, 1846 West Frontier Circle, asked how many other parks are planned for west Farmington. She lives in a cul de sac and is concerned about access points into the park. She does not want her cul de sac becoming a major parking area. She is also concerned about emergency vehicle access and the issue of liability for areas that aren't officially part of the park. She stated she is not opposed to a park but is opposed to her cul de sac being used for parking. She also questioned who would be authorized to make future amendments – the HOA Board members or all of the homeowners. She presented the Council with a petition with 84 signatures from Farmington Ranches residents who are concerned about the HOA's liability, really concerned about cul de sac parking and concerned about a neighborhood park vs. a community park. They are not opposed to the park but are concerned about those issues.

Tyler Poulson, 1864 Frontier Circle, expressed the same concerns as Elizabeth Richards. He questioned whose responsibility it would be to maintain the park and who owns the open space. He also expressed concern about parking in the cul de sac.

Jodie Garlick, 1861 West Frontier Circle, asked if any research had been done as far as people coming in and out of their neighborhood. She expressed concern about traffic in the cul de sacs. It is a safety factor for them. She asked about future parking plans for the park. They do not want their cul de sacs to be parking lots. She also asked at what point a walkway be put in from their circle into the park and who will pay for it.

Gordon Crabtree, HOA Board President, clarified some of the issues surrounding the park. He stated the concept of a park was first discussed at an HOA annual meeting in September 2005 with a unanimous vote to move forward. Then they worked with the City as to what kind of things could occur in a park.

In October of 2006 a ballot regarding the park issue was delivered to every home in Farmington Ranches Subdivision. They received 300 ballots back with 270 votes in favor and 30 votes opposed. For those who live immediately surrounding the park, approximately 30-35 homes, there were five opposed now three are opposed to the concept of a park.

When the City presented the idea of recreation league soccer play, the HOA was opposed to it, and told the City they might possibly abandon their support of the park. The City and the HOA came back together and have agreed on some fairly strong restrictions regarding usage of the park saying that there will not be any recreation league play at all without the mutual consent of both the HOA and the City. Moreover, input into the design of the park will be afforded with the HOA membership and park committee with the City. Possible facilities that could be included in the park

are a basketball court, tot lot, restrooms, picnic bowery and tennis court. A prioritized budget will ultimately dictate the improvements to be installed. Gordon Crabtree emphasized to HOA members that if by mutual agreement it is decided to expand the park to develop into recreation league play, that would have to be a full membership vote of the HOA, it could not be by vote of the executive committee.

Mayor Harbertson closed the public hearing at 8:15 p.m. He answered the questions which had been posed during the public hearing. He stated the main park for west Farmington will be a 20 plus acre park by the Davis County Fairgrounds where it is intended all of the sports activities would take place. The City does not have funding for it right now. Within the Parks fund there is less than \$1 million. The City will be taking \$500,000 from that to build the Farmington Ranches Park. In order to develop the park by the Fairgrounds the plan is to wait for the City's bonded indebtedness to be paid off which will be around 2016.

He reported Davis County has the responsibility to maintain and clean all waterways in Davis County. All streams in Farmington are maintained by them. It was suggested they work with Davis County to maintain the stream channels and to petition the County to improve the stream channels by cutting the slopes back so they are not as dangerous thereby reducing liability to the HOA. One idea expressed by Mayor Harbertson is when the Park is developed to berm next to the stream channel and do other things to alleviate enticing kids to go over to the stream.

Mayor Harbertson stated the City will probably not start working on the Park project until next year. The City will then be looking at different access points into the park from different areas. The intent right now is for parking to be along Clark Lane and at the school parking lot. The maintenance of the park will be the City's responsibility once the park is established. The City will own the open space where the park will be located but all remaining open space will be owned by the Farmington Ranches Homeowners Association.

Pollyanna Barnes, 1839 Country Bend Circle, asked what type of soccer would be played at the park.

Mayor Harbertson responded that there will be no organized games but that there could be practices there, because the play field will be about the size of a soccer field. There will be no scheduling by the City for any practices. He expressed appreciation for the public input and expressed hope that the residents have a better understanding of what the City intends to do and how it intends to honor the agreement with the HOA.

Rick Dutson recognized the residents' anxiety with a competitive ball environment. He does not think people from other areas of the City or outside of the City will be coming to this neighborhood park. The leisure aspect of this park will be enjoyed by the Farmington Ranches residents, but recognized their concerns about parking and access points. He is in agreement with getting competitive ball fields into a central location behind the Fairgrounds, and then let all of the

community parks simply be leisure park. He believes with the safety mechanism in the contract saying it will never be a competitive ballfield unless the HOA and the City collectively say it should be done. This agreement is binding on future City Councils.

David Hale stated some of the residents' biggest concerns are also their biggest allies, i.e., parking, foot traffic for the future. Public safety is on the residents' side. It is illogical to put sports activities in this park. Because of parking restrictions, it could be limited as to the kinds of things that could be put there. It is illogical to put sports activities in this park. He believes the residents have the best of all worlds and encouraged them to take the money being offered by the City and build the park in order to have a nice little neighborhood park which will be beautiful.

Cory Ritz said the concerns brought up about Shepard Creek are valid. For the foreseeable future that waterway still lies on property owned by the HOA. He suggested the possibility of the HOA seeking a safety/improvement grant that might be available that could be used to improve the stream banks and make it a safer situation.

Sid Young said there has been a lot of effort that has been put into this project with the Conservation Easement and researching what needed to be done. He believes this will be a tremendous benefit for the citizens in that area as well as the City as a whole. It is a big step for the City to use half of the money that is available for parks. It's been an effort to do what the HOA wants and to support them with the type of things they want.

Motion

Rick Dutson moved that the City Council approve the plat amendments for Farmington Ranches Phases 3 and 4 Subdivision as recommended by the Planning Commission and Staff. It is further moved that the City Council approve the Ordinances and Vacation Orders for the plat amendments and authorize the Mayor to sign the same. This motion is based on Findings 1-5 as recommended by the Planning Commission, with the addition of Findings 6-9 as follows:

Findings:

1. The plat amendments will accommodate a much needed public park in the area.
2. The recommendation is consistent with a previous recommendation to amend the General Plan to establish a park in the area.
3. It allows the City to provide a park on property owned by the City.
4. It further allows the HOA to retain property, which includes the creek, until risk management and aesthetic issues regarding the creek, and other issues related to the proposed park, can be resolved.

5. In the event a park is not established, the parcels will still remain as open space due to a previously recorded conservation easement and because the parcels do not constitute building lots.
6. The plat vacation and amendment is in the best interest of the public as it will provide for the creation of a public park on a portion of the property within the subdivision.
7. The City Council is satisfied that neither the public interest nor any person will be materially injured by the proposed vacation and amendment to the Farmington Ranches Subdivision, Phase 3.
8. The City Council finds that there is good cause for the vacation and amendment to allow for the creation of a public park within the subdivision.
9. All public noticing and hearing requirements as set forth in Section 10-9a-608 of the Utah Code Annotated have been met regarding the proposed plat vacation and amendment.

The motion was seconded by **Paula Alder** and passed with all Council Members voting in the affirmative.

Consideration of Adopting new Conservation Easements for Phases 4 and 5 of the Farmington Ranches Subdivision

Mayor Harbertson reported that with the adoption of these new Conservation Easements for Phases 4 and 5 of the Farmington Ranches Subdivision, it takes out any option to allow extra lots to be put in, but it does allow them to be landscaped and maintained through those areas.

Cory Ritz pointed out that on Exhibit “B” Note 18 should be deleted, because it is covered under Note 1.

A motion to approve the easements for both Phase 4 and Phase 5 of the Farmington Ranches Subdivision was made by **Cory Ritz** and seconded by **Paula Alder**. The motion passed with all Council Members voting in favor.

PUBLIC HEARING: Consideration of Ordinance to rezone property at 1266 North Main Street from “A-F” to “LR-F”

David Petersen introduced this agenda item stating that Dwight Poulson would like to do a flag lot on his piece of property, although the issue before the Council now is only for the rezone

request. The flag lot issue will come before the Council at a later date depending on the decision of the Planning Commission. He said the area zoned “A” was inadvertently left over as a result of annexations which took place long ago. The requested designation of LR is consistent with the “Low Density Residential” designation of the General Plan.

Mayor Harbertson opened the meeting to a public hearing at 8:55 p.m. There being no comments, the public hearing was closed.

Motion

David Hale made a motion to adopt the ordinance as had been included in the City Council packets to rezone property at 1266 North Main Street from “A-F” to “LR-F”. **Cory Ritz** seconded the motion, and it passed with all Council Members voting in favor.

PUBLIC HEARING: Consideration of amending Station Park Development Agreement

Mayor Harbertson said this particular agenda item had been continued from previous meetings. He opened the meeting to a public hearing at 9:00 p.m. There were no public comments so the public hearing was closed. Mayor Harbertson stated that there are still a couple of issues which are unresolved and the direction from staff is to again table this agenda item until the details can be worked out.

Sid Young moved to table consideration of amending Station Park Development agreement. **Paula Alder** seconded the motion which passed with all Council Members voting in favor.

Request for waiver of Conservation Subdivision Standards to allow for Development of a half-acre lot in the AE Zone

David Petersen reported on this agenda item stating that Mr. Lindsley had previously received schematic plan approval for a two-lot subdivision consisting of 1, one-acre lot and another lot approximately 2.55 acres in size. The request before the Council is for a waiver to create a one-half acre lot in place of the 1, one-acre lot. Mr. Petersen said if the Council approves the request, the City should receive something in return such as temporary open space somewhere else on the property or for Mr. Lindsley to agree to a limit on the number of lots. Mr. Lindsley is requesting the waiver so that his son can build a home on the one-half acre site on a more desirable location on the property.

Motion

David Hale moved and **Paula Alder** seconded a motion to approve the request for a waiver of Conservation Subdivision Standards to allow for development of a half-acre lot in the AE zone subject to preliminary plat approval from the Planning Commission and subject to the condition

that the applicant provide and preserve open space elsewhere on his property in an amount, location and manner acceptable to the City or that a deed restriction (or some other document acceptable to the City) must be recorded on the property restricting the use of the land to no more than three (3) building lots. All Council Members voted in favor and the motion passed.

Minute motion approving summary action list

The following items were approved upon motion by **David Hale**, a second by **Paula Alder**, and with all Council Members voting in the affirmative:

1. Ratification of approvals of Construction Bond Agreements as were included in the City Council packets.
2. Approval of architectural services with Dixon Associates for Public Works storage building.
3. Approval Proclamation declaring April as “*Child Abuse Prevention Month*”.
4. Approval of Sidewalk Repair Agreement with John Bergen.
5. Assignment of City Council Development Review Committee (Rick Dutson and Cory Ritz) to meet with Amy Bagwell and neighbors to discuss proposed 1060 North Road extension.
6. Approval of March’s Disbursement List.

UDOT & CenterCal Agreements pertaining to restriping of Park Lane/Sales & Purchase Agreement with CenterCal and related temporary Easement Agreement

Mayor Harbertson reported this agenda item was discussed with CenterCal’s attorney in the work session. There are still some issues that need to be resolved with the contract with UDOT; also there are issues regarding the agreement with CenterCal and the City regarding covering the restriping costs. The City wants to wait to pay UDOT until the restriping project is complete. The City Attorney has recommended to move forward with the motions, authorizing the Mayor to sign the documents after review by the City’s attorneys.

A motion was made by **Rick Dutson** to (1) conceptually approve the Agreement between the City and UDOT relating to reimbursement for the restriping of Park Lane; (2) approve the agreement between Farmington City and CenterCal to cover the cost of restriping so that the City can pay the amount of the invoice to UDOT; (3) approve the Sales and Purchase Agreement with

CenterCal; and (4) approve the temporary easement agreement. All of these actions are predicated upon further review by legal staff but authorizes the Mayor to sign each agreement subject to the review of the City Attorney . The motion was seconded by **Cory Ritz**. The motion passed with all Council Members voting affirmatively.

Planning Commission Report

Kevin Poff, Planning Commission Chair, gave the report on the Planning Commission meeting held April 10. He reported the Planning Commission had completed their third training session with Mike Mazuran, City Attorney, in their work session.

The Planning Commission approved the request by Farmington City to amend the General Plan map and text to show a park in the vicinity of Eagle Bay Elementary School at approximately 1950 West Clark Lane.

They also reviewed and recommended approval of a petition to amend Farmington Ranches Phases 3 and 4 Subdivision plats by vacating two parcels and recording two plats establishing five parcels in its place.

A presentation was given to them by members of the Historic Preservation Commission regarding historic registers.

The TOD (Transit Oriented Development) study group has met two times and are meeting on Thursday night.

Question/Answer Report of City Engineer

Paul Hirst, City Engineer, was in attendance at the meeting to give a report. He reported the count of bacteria on water testing results from the last test on Well #2 were within acceptable limits. He also said they are putting together RFQ's (Request for Qualifications) for companies to do an exploratory well on the City's gazebo property.

Paul was then presented with a bouquet of balloons and a lighthearted resolution to honor him on his 60th birthday.

Consideration of EDA letter justifying architectural services for Police Station

This issue had been discussed in the work session. The City Manager had recommended keeping their contract amount the same as was previously approved.

Motion

A motion was made by **David Hale** to authorize staff to notify Edwards Daniels Architects (EDA) that their original contractual agreement and fee for their architectural services will stand as previously approved. The motion was seconded by **Paula Alder** and passed with all Council Members voting in favor.

Discussion regarding ground-breaking event schedule for Station Park

It was reported the ground-breaking event will not take place until June or July 2008.

Report on efforts to negotiate purchase of properties for future City Hall site

Max Forbush, City Manager, reported he had made contact with the three property owners on south Main Street. One of the owners, Scott Bass, is willing to sell his property. Teresa Chandler, who lives in the basement home, is on a fixed income and does not want to sell unless she can find a place that doesn't cost her any more than what she is currently paying. The third property owner, Earl Wheeler, is a gentleman 85 years old who only lives in his home during the summer months, but he is not too interested in selling although a definitive answer will not be given until he moves back into his home which will be the third week in May.

Review of Creekside Estates Homeowners Association letter requesting City to assume maintenance responsibility of landscaping/sidewalks along subdivision frontages

It was decided to delay this agenda item until Todd Godfrey, City Attorney, has an opportunity to review it.

Mayor Harbertson's Report

Mayor Harbertson reported that he, Sid Young and Dave Hale met with U.S. Postal officials. He said Farmington will probably never get a new post office. In order to improve service, Postal officials plan to send Farmington residents living on the north end to Kaysville for service and residents living at the south end to Centerville. He stated Postal officials are looking for money and there is the possibility of them selling the parcel of ground where the new Post Office was to be located. It was suggested that the City look at zoning on that particular piece of property to ensure proper controls are in place.

Mayor Harbertson also reported on a meeting with Lagoon employees regarding the Grand Opening celebration for the Front Runner to be held at the Commuter Rail Station in west Farmington on April 26 at 11:00 a.m. Lagoon will arrange for food through a caterer. There will

be hot dogs, chips, drinks, and cookies; hand clappers for the first 300 people; a Dixie Land Band; and a banner to go down the side of the pedestrian walkway.

A meeting was held with Kaysville City officials regarding the possibility of Kaysville and Farmington combining efforts for a new cemetery. Kaysville officials want to add to their existing cemetery and are not too interested in developing a new one. Mayor Harbertson said Farmington is going to pursue purchasing property on its own for a new cemetery although it will be a challenge to find ways to fund it.

City Council Report

David Hale suggested the possibility that George Clark might be willing to sell 15 acres of his property for a new cemetery.

Rick Dutson said the judging of Miss Farmington candidates will take place at 10:45 a.m. on Saturday, April 19, at the Parks & Recreation building. He also asked for a light at Heritage Park to be replaced; it is a different color than the other ones.

Paula Alder reported the Youth City Council Retreat will be held April 25 - 26.

There being no further business and upon a motion by **David Hale** the meeting was adjourned at 10:05 p.m.

Margy Lomax, City Recorder